

STATE OF TEXAS

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COUNTY OF DALLAS

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RLV HOMEOWNERS ASSOCIATION, INC.

**PROCEDURES FOR INFORMING OWNERS OF
ARCHITECTURAL DECISIONS
AND
EXERCISING THE RIGHT TO APPEAL**

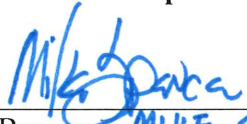
- (1) These Procedures outline and set forth (i) the owner's opportunity to request a hearing after receipt of the Architectural Review Committee's ("ARC") decision to deny an architectural application to the Board of Directors of RLV Homeowners Association, Inc. ("Association") and (ii) the Board President's authority to appeal certain ARC decisions, whether approval or disapproval, that are in the best interests of the Association.
- (2) The Board of Directors believes it is in the best interests of the Association and its Members to establish a process for the Board of Directors to serve in a checks and balance function to ensure that owner's architectural applications are thoroughly reviewed and decisions are made based on, among other things, the governing documents and dedicatory instruments of the Association, ordinances, statutes, and established architectural or aesthetic community-wide standards. This due process may help avoid potential confusion, receipt of conflicting information, and/or commencement of the formal enforcement process by the Association against the owner.
- (3) If reviewing and considering an owner's architectural application results in a deadlock or tie vote of the ARC, then the architectural application request will be deemed disapproved by reason of an impasse. The owner may then appeal the disapproval to Board.
- (4) Before the ARC provides its architectural application decision to the owner, it must deliver the decision notice to the President of the Board no less than forty-eight (48) hours *before* providing it to the owner as set forth in paragraph (5) below.
- (5) A decision by the ARC denying or disapproving an architectural application or a decision by the President of the Board to appeal any ARC decision must –
 - a. be provided to the owner in writing by certified mail, hand delivery, or electronic delivery;
 - b. describe, if applicable, the basis for the denial or disapproval in reasonable detail and changes, if any, to the application or proposed improvements required as a condition to approval;
 - c. if applicable, inform the owner of the deadlock or tie vote of the ARC;

- d. describe, if applicable, the basis for why the approval may violate the governing documents or dedicatory instruments of the Association, ordinances, statutes, established architectural or aesthetic community-wide standards; and
 - e. inform the owner of the right to either:
 - i. submit a modified application to the ARC with the changes proposed by the ARC on or before the thirtieth (30th) day after the date the decision notice is mailed, delivered, or sent by electronic delivery to the owner; and
 - ii. request a hearing before the Board of Directors ("*Board*") on or before the thirtieth (30th) day after the date of decision notice is mailed, delivered, or sent by electronic delivery to the owner. Only one (1) appeal is permitted per architectural application.
- (6) If the Association receives a written request for a hearing on or before the thirtieth (30th) day after the date of the notice, the Board shall hold a hearing not later than the thirtieth (30th) day after the date the Association received the written request for a hearing. The Association shall notify the owner of the date, time, and place of the hearing not later than the tenth (10th) day before the date of the hearing. The hearing notice may be provided to the owner in writing by certified mail, hand delivery, or electronic delivery. Only one (1) hearing is required after the ARC denies or disapproves the initial application or a Board member initiates the appeal process.
- (7) The Board or the owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may only be granted by agreement of the parties. The owner's presence is not required to hold a hearing under this paragraph. The Association or owner may make an audio recording of the hearing.
- (8) During the hearing, the Board (or designated representative) and the owner (or designated representative) will each be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's architectural application, and the changes, if any, requested by the ARC in the notice.
- (9) The Board may affirm, modify, or reverse, in whole or in part, any decision of the ARC as consistent with the Declaration.

IT IS RESOLVED these Procedures were duly introduced, seconded, and were thereafter adopted at a regular scheduled meeting of the Board, at which a quorum was present, by a majority vote of the members of the Board present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board. These Procedures shall be filed of record in the Official Public Records of Dallas County, Texas.

Date: April 28, 2023.

RLV
HOMEOWNERS ASSOCIATION, INC.,
a Texas non-profit corporation


By: MIKE SPENCE
Its: PRESIDENT